

AMENDED IN SENATE JULY 3, 2007  
AMENDED IN SENATE JUNE 14, 2007  
AMENDED IN ASSEMBLY APRIL 23, 2007  
AMENDED IN ASSEMBLY APRIL 11, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 349**

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**Introduced by Assembly Member Salas**

February 14, 2007

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An act to amend Section 27293 of the Government Code, relating to recorded instruments.

LEGISLATIVE COUNSEL'S DIGEST

AB 349, as amended, Salas. Recorded instruments: translation certificates.

Existing law prohibits the county recorder from accepting for record an instrument executed or certified in whole or in part in any language other than English without the translation certification of the county clerk. Existing law requires the county clerk to verify that the translation in English of the instrument is a true translation, and to certify that fact under seal of the county. The clerk may charge a fee of \$1.50 for these services.

This bill, instead, would provide that a translation in English of an instrument executed or certified in whole or in part in any language other than English may be presented to the county clerk for verification that the translation was performed by a certified or registered court interpreter, as specified, or by an accredited translator registered with the American Translators Association. Upon verification that the

translation was performed by a qualified interpreter or translator, *and that the translation is accompanied by a notarized declaration by the interpreter or translator that the translation is true and accurate*, the bill would require the clerk to certify that ~~fact verification~~ under seal of the county. The bill would authorize the clerk to charge a fee of \$10 for verification and certification of each document, ~~or a greater amount as reasonably necessary to recover the cost of providing that service~~. By imposing new duties on county clerks, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 27293 of the Government Code is  
2 amended to read:  
3 27293. (a) (1) Except as otherwise provided in subdivision  
4 (b), if an instrument intended for record is executed or certified in  
5 whole or in part in any language other than English, the recorder  
6 shall not accept the instrument for record.  
7 (2) (A) A translation in English of an instrument executed or  
8 certified in whole or in part in any language other than English  
9 may be presented to the county clerk for verification that the  
10 translation was performed by a certified or registered court  
11 interpreter, as described in Section 68561 of the Government Code,  
12 or by an accredited translator registered with the American  
13 Translators Association. *The translation shall be accompanied by*  
14 *a notarized declaration by the interpreter or translator that the*  
15 *translation is true and accurate, and includes the certification,*  
16 *qualification, or registration of the interpreter or translator.* The  
17 clerk shall consult a Web site maintained by the Judicial Council  
18 or the American Translators Association in verifying the

1 certification, qualification, or registration of the interpreter or  
2 translator.

3 (B) Upon verification that the translation was performed by an  
4 interpreter or translator described in subparagraph (A), *and that*  
5 *the translation is accompanied by a notarized declaration as*  
6 *required pursuant to subparagraph (A)*, the clerk shall duly make  
7 certification of ~~the fact that~~ *verification* under seal of the county,  
8 attach the certification to the translation, and attach the certified  
9 translation to the original instrument.

10 (C) For this verification and certification, a fee of ten dollars  
11 (\$10), ~~or a greater amount as reasonably necessary to recover the~~  
12 ~~cost of providing those services, (\$10)~~ shall be paid to the county  
13 clerk for each document submitted for certification. The attached  
14 original instrument and certified translation may be presented to  
15 the recorder, and upon payment of the usual fees, the recorder shall  
16 accept and permanently file the instrument and record the certified  
17 translation. The recording of the certified translation gives notice  
18 and is of the same effect as the recording of an original instrument.  
19 Certified copies of the recorded translation may be recorded in  
20 other counties, with the same effect as the recording of the original  
21 translation; provided, however, that in those counties where a  
22 photostatic or photographic method of recording is employed, the  
23 whole instrument, including the foreign language and the  
24 translation may be recorded, and the original instrument returned  
25 to the party leaving it for record or upon his or her order.

26 (b) The provisions of subdivision (a) do not apply to any  
27 instrument offered for record that contains provisions in English  
28 and a translation of the English provisions in any language other  
29 than English, provided that the English provisions and the  
30 translation thereof are specifically set forth in state or federal law.

31 (c) The county clerk is not required to issue a translation  
32 certificate if he or she is unable to confirm the certification,  
33 registration, or accreditation of the translator, as required in  
34 subdivision (a).

35 SEC. 2. If the Commission on State Mandates determines that  
36 this act contains costs mandated by the state, reimbursement to  
37 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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